

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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: 19cv70 (DLC)
IN RE PERRIGO COMPANY PLC SECURITIES :
LITIGATION : ORDER
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DENISE COTE, District Judge:

On March 31, 2021, the defendants moved to exclude from trial the testimony of the plaintiffs' expert, Chad C. Coffman, on the ground that his report fails to disaggregate confounding information between November 8, 2018, the date of Perrigo's alleged misrepresentation, and December 20, 2018, the date of its alleged corrective disclosure. To the extent the defendants' contention is true, it goes to the weight of Coffman's testimony, not its admissibility. See Daubert v. Merrell Dow Pharms., Inc., 509 U.S. 579, 596 (1993) ("Vigorous cross-examination, presentation of contrary evidence, and careful instruction on the burden of proof are the traditional and appropriate means of attacking shaky but admissible evidence.")

Also on March 31, the defendants moved for summary judgment on the element of loss causation. On April 8, the plaintiffs moved for partial summary judgment on the issue of whether Perrigo's December 20, 2018 Form 8-k directly caused the company's share price to fall 30%. The contention that the Form


8-k caused Perrigo's share price to fall 30% is a question of fact to be determined by a jury. Accordingly, it is hereby

ORDERED that the defendants' March 31, 2021 motion to exclude the plaintiffs' loss causation expert is denied.

IT IS FURTHER ORDERED that the defendants' March 31, 2021 motion for summary judgment on the issue of loss causation is denied.

IT IS FURTHER ORDERED that the plaintiffs' April 8, 2021 motion for partial summary judgment on the issue of loss causation is denied.

Dated: New York, New York
July 13, 2021



DENISE COTE
United States District Judge